IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1392 (M/S) of 2006

M/s Kwality Restaurant, 19B Rajpur Road, Dehradun, through its Proprietor Partner Mr. M.M.K. Ghai S/O Late B.K. Ghai, R/O 7 Old Survey Road, Dehradun. **….. Petitioner.**

Vs

1. Additional District Judge, F.T.C. VII Dehradun.
2. Union Bank of India, Head Officer 239, Backbay Reclamation, Nariman Point, Mumbai 400021, Service of Summons be effected through Chief Manager, Union Bank of India, 19-B Rajpur Raod, Dehradun (U.A.)

…….Respondents

Sri Gopal Narain, Adv., learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no.1.
Sri B.S. Khanka, Adv., learned counsel for the Bank-respondent no.2.

Dated September 19, 2006

Hon'ble B.S. Verma, J.

Heard learned counsel and perused the material on record.

The only prayer made in the present writ petition is that the respondent no.1 be directed to decide the S.C.C. Suit No.3 of 2003, M/s Kwality Restaurant Vs. Union Bank of India, pending before the trial court expeditiously with the allegation that the plaintiff- petitioner filed a suit on S.C.C. side for possession as well as recovery of damages for use and occupation. The defendant-bank filed written statement as far back as 6-5-2003 and the replication by the plaintiff was filed on 30-9-2003, but since then the defendant has been adopting delay tactics to prolong the litigation and the suit could not be decided as yet. The petitioner has annexed the entire order-sheet of the case as Annexure No. 4 to the writ petition.

Learned counsel for the petitioner has submitted that the suit is an S.C.C. Suit pending since the year 2003 and the ends of justice will be served if a direction is issued to the respondent no.1 for time bound disposal of the suit on merit. The prayer is innocuous.

Accordingly, the respondent no.1 i.e. Judge S.C.C./Additional District Judge, VII F.T.C. Dehradun is directed to expedite disposal of the S.C.C. Suit No.3 of 2003, M/s Kwality Restaurant Vs. Union Bank of India, pending in his court on merit in accordance with law, preferably within a period of one year from the date of production of certified copy of this order. Both the parties shall co-operate with court concerned in expeditious disposal of the said S.C.C. Suit.

With the above direction, the writ petition is disposed of finally.

(B.S. Verma, J.)

19-09-2006
RCP